

REMARKS

Claims 1-3, 5- 10, 12, 13, and 17 are now pending in the application. Claims 4, 11, and 14-16 have been cancelled. Claims 1, 3, 10, 12, 13, and 17 are amended. No new matter is presented. Thus, in view of the above amendment and the following remarks, Applicants respectfully request the withdrawal of the rejections. Also, Applicants request that the correspondence address to the present application be corrected. The present application is assigned to Globus Medical Inc. as indicated by the attached assignment. Also, attached is a power of attorney indicating the correspondence address for the present application.

CLAIM OBJECTIONS

Claim 1 is objected to for containing an informality. Specifically, the Office Action indicated that claim 1 recited (having a thread lead) in parenthesis. This portion of claim 1 was deleted in the Amendment filed on June 4, 2010. Additionally, the Office Action notes the inaccuracies in the numbering of the claims. Applicants by this amendment have corrected the claim numbering so that claim 15 and 16 are shown to be cancelled and claim 17 which was numbered as claim 15 in the June 4, 2010 amendment is now claim 17. No new matter is presented. In view of the above amendment, Applicants respectfully request the withdrawal of the objection to claims.

REJECTION UNDER 35 U.S.C. § 101 *

Claim 14 is rejected under 35 U.S.C. 101 for being drawn to non-statutory subject matter. Claim 14 is cancelled. Therefore, the rejection of claim 14 is moot.

REJECTION UNDER 35 U.S.C. § 112

Claims 6, 7, and 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being unpatentable. Claim 1 is amended to more clearly recite the features of the claimed invention. No new matter is presented. In view of the above amendments to claim 1, Applicants respectfully request the withdrawal of the objection to claims 6, 7, and 9-13.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-3, 8, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Vrespa et al (U.S. Patent 5,593,410). This rejection is respectfully traversed.

Vrespa discloses a bone screw having a core, a cylindrical neck of a diameter equal or greater than the maximum diameter of the thread. The screw is provided with two types of threads, the first thread being of a larger pitch for fixing into the bone tissue and a second thread which can be of the self- tapping type for fixing into tile cortical bone opposite the point at which the screw is inserted into the bone.

It is respectfully submitted that Vrespa does not teach or suggest all the features recited in claim 1. Specifically, it is submitted that Vrespa fails to teach or suggest the feature of the that the thread on the lead portion of the screw is a double-start thread and the thread on the tail portion of the screw is a single-start thread, and in which the thread pitch of the thread on the tail portion is equal to twice the thread pitch of the thread on the lead portion.

In contrast to the claimed invention, Vrespa does not disclose a lead portion of the screw having a double-start thread and the tail portion of the screw having a single start thread in which the thread pitch of the thread on the tail portion is twice the thread pitch of the thread on the lead portion. Even through Vrespa disclose multiple start threads, Vrespa does not teach or suggest

the specific feature of the lead portion being a double start and the tail portion being a single start as provided in the claimed invention. Therefore, Applicants respectfully request the withdrawal of the rejection of claim 1 in view of the above amendments. Since claims 2, 3 and 8 depend from claim 1, for the same reasons applicable to claim 1, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 2, 3, and 8.

REJECTION UNDER 35 U.S.C. § 103

Claims 4, 6, 7, 9, 10, 12, 13, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vrespa. Claim 4 and 15 have been cancelled. Claims 1 and 17 (previously claim 15) have been amended to more clearly recite the features of the claimed invention. Since claims 6, 7, 9, 10, 12, and 13 depend from claim 1, and for at least the reasons discussed above, it is submitted that claims 6, 7, 9, 10, 12, and 13 recite patentable subject matter. Therefore, Applicants respectfully request the withdrawal of the rejection of claim 6, 7, 9, 10, 12, and 13.


Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Vrespa in view of Frigg et al. (U.S. Patent No. 5,180,382). This rejection is respectfully traversed.

Since claim 5 depends from claim 1, for at least the same reasons discussed above, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 5.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned attorney at (610) 415-9000 x1174. No additional fees are believed due for this submission, however, if any additional fees are required; please charge such fees to Globus Medical Deposit Account No. 50-4131.

Respectfully submitted,



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